

Appl. No. 10/079611
Amtd. Dated Feb. 4, 2004
Reply to Office action of Nov. 4, 2003

REMARKS

Reconsideration of the application is requested.

The Examiner continued the restriction requirement and made it Final. The Examiner stated that applicant's traversal was not persuasive "because the particulars of the method claims provided are not required in the product by process claims and require method steps that were not originally filed and therefore constitute a new invention as set forth in paper 7." Applicant finds the reason confusing and wishes to provide further comments. Claim 8 is an apparatus claim in the form of a product by process. Claim 9 is a method claim. The language following the word "comprising" in both claims is the same. Group I claims are not all apparatus claims and group II claims are not all method claims. Applicant assumes that the Examiner's restriction was between two different methods and that the groupings are as intended because the two methods differ somewhat from one another.

The Examiner rejected claims 8, 3, 4, and 9 under 35 USC §102(b) as being anticipated by Crandall.

Crandall describes the method of his invention at column 5, line 43 to column 6, line 14. In pertinent part, the description reads:

... providing a cylindrical body, preferably a tubular body 10 having a free end 13

...

... the free end 13 of the tubular body 10 is then reduced in diameter ...

... at least one barb member 14 is formed independently from the tubular body 10

... The barb member 14 is then provided onto the reduced end of the tubular body 10 and is loosely fit thereon...

... the diameter of the reduced end 13 of the tubular body 10 is enlarged or restored to its initial dimension...

Claims 8 and 9 of the present application define a "multiple pipe structure" as:

said metal pipe of a larger diameter engaging the outside of the metal pipe of the smaller diameter to provide a multiple pipe structure in a predetermined area in a longitudinal direction

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Thus, the multiple pipe structure is defined as the area of engagement between the metal pipe of the larger diameter and the metal pipe of the smaller diameter. Claims 8 and 9 then further provide:

expanding integrally at least a portion of only the multiple pipe structure to expand a diameter of the multiple pipe structure

Crandall does not disclose expanding integrally at least a portion of only the multiple pipe structure as defined. Consequently, Crandall does not anticipate either the structure or method of claims 8 or 9 respectively.

Claims 3 and 4 depend from claim 8 and further define it. Applicant does not acquiesce in the independent rejection of these claims but it is not necessary to further distinguish them at this time.

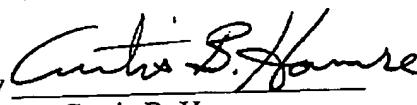
Applicant acknowledges that claim 2 is allowable.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration is requested. Allowance of claims 2-4, 8 and 9 at an early date is solicited.

Respectfully Submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612) 332-5300

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By 
Curtis B. Hamre
Reg. No. 29,165